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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,088	08/20/2001	Roberto A. Gaxiola	883933.0067	7374

21874 7590 06/16/2004
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

MEHTA, ASHWIN D

ART UNIT PAPER NUMBER

1638

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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09/934,088	8/20/01	GAX102A	883933.0067

EXAMINER	
Mehta	

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1638	6092004

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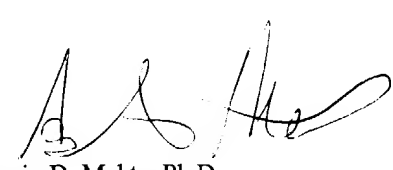
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Commissioner for Patents

The reply filed on March 24, 2004 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): All of the claims are dependent on new claims that are directed to subject matter that was not originally presented and not encompassed by the examined invention. The claims of the examined invention were drawn to transgenic plants comprising a nucleic acid sequence encoding an exogenous tonoplast pyrophosphatase driven H⁺ pump gene. The amended and new claims are all dependent on claims that encompass a chimeric Na⁺/H⁺ antiporter gene or Na⁺/H⁺ exchanger gene, and/or chimeric vacuolar pyrophosphatase gene. Further, Applicants have not addressed the double-patenting rejections, but rather request that the rejection be held in abeyance. However, Applicants must respond to all grounds of objections and rejections present in the prior Office action. See 37 CFR 1.111. It is also noted that claims 85-104 have not been labelled as new. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this or earlier communications from the Examiner should be directed to Ashwin Mehta, whose telephone number is 571-272-0803. The Examiner can normally be reached from 8:00 A.M. to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amy Nelson, can be reached at 571-272-0804. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 10, 2004


Ashwin D. Mehta, Ph.D.
Primary Examiner
Art Unit 1638